

Remarks

In the present response, claims 2-7 and 16-25 are withdrawn, and claims 1 and 8-15 are presented for examination.

I. Claim Rejections: 35 USC § 112

Claims 11-14 are rejected under 35 USC § 112, second paragraph, as being indefinite. Claims 11-14 are amended, and Applicant respectfully asserts that these rejections are moot.

II. Claim Rejections: 35 USC § 102(b)

Claims 1, 8-12, and 14 are rejected under 35 USC § 102(b) as being anticipated by USPN 5,856,894 (Marlowe). Applicants respectfully traverse this rejection.

A proper rejection of a claim under 35 U.S.C. §102 requires that a single prior art reference disclose each element of the claim. See MPEP § 2131, also, *W.L. Gore & Assoc., Inc. v. Garlock, Inc.*, 721 F.2d 1540, 220 U.S.P.Q. 303, 313 (Fed. Cir. 1983). Since Marlowe neither teaches nor suggests each element in the claims, these claims are allowable over Marlowe.

Claim 1 recites numerous limitations that are not taught or suggested in Marlowe. By way of example, claim 1 recites an accessor and a cartridge transport device. **Both of these elements move.** Specifically, the cartridge transport device moves cartridges along a path, and the accessor moves “closer toward the second group of the plurality of cartridges while the cartridge transport device is operating.” By contrast, Marlowe teaches a conveyor system 14 that moves data cartridges 12 to one of plural independently operable drive mechanisms 16. These drive mechanisms, however, do not move. As explained in Marlowe, each drive mechanism includes a transfer mechanism 18 that operates as follows:

When so positioned, the transfer mechanism 18 removes the data cartridge 12 from the conveyor system 14 and inserts it into the selected drive mechanism 16 for processing (i.e., data may be written onto the tape or data may be read from the tape). The

transfer mechanism 18 then withdraws the data cartridge 12 from the selected drive mechanism 16 after processing and returns it to the conveyor system 14. (See Marlow at col. 6, lines 11-18).

Marlowe never discloses or even suggests that the transfer mechanism 18 moves closer toward the cartridges. Instead, the transfer mechanism 18 in Marlowe is stationary in the data storage and retrieval system 10.

For at least these reasons, independent claim 1 and its dependent claims are allowable over Marlowe.

III. Claim Rejections: 35 USC § 103

Claims 13 and 15 are rejected under 35 USC § 103 as being unpatentable over Marlowe. This rejection is traversed.

Claims 13 and 15 depend from independent claim 1. As noted in section II, Marlowe does not teach all the elements of claim 1. Thus, for at least the reasons provided with respect to independent claim 1, dependent claims 13 and 15 are allowable.

CONCLUSION

In view of the above, Applicant believes that all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. 832-236-5529. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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